

File Copy

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FU DA INTERNATIONAL, LTD.,

Docket No.: 08 CV 5164

Plaintiff,

NOTICE OF MOTION

-against-

KOHL'S DEPARTMENT STORES, INC.,

Defendant,
-----X

MOTION BY: STEVEN F. GOLDSTEIN, LLP, Attorneys for Defendants,
KOHL'S DEPARTMENT STORES, INC., One Old Country
Road, Suite 318, Carle Place, New York 11514
(516) 873-0011

DATE, TIME & PLACE: Motion made before the Honorable Judge Baer of the United
States District Court, Southern District of New York, at the
Courthouse located at 500 Pearl Street, New York, NY
10007-1312.

SUPPORTING PAPERS: Affirmation of Steven F. Goldstein, amended Memorandum of
Law, and attached Exhibits

RELIEF REQUESTED: (A) In Support of the within Motion for an Order dismissing this
matter, pursuant to FRCP 12(b)(1), 12(b)(3), and/or 12(b)(6), as
bringing this case is the State of New York is in violation of the
Forum Selection Clause entered into by both parties to this
matter; and


(B) For an Order dismissing this matter, pursuant to 28 U.S.C.
1406(a), as this matter was brought in an improper venue; and

(C) For such other, further and different relief as this Court may
deem just and proper.

ANSWERING PAPERS: Answering affidavits to be served pursuant to the Federal Rules.

Dated: Carle Place, New York
July 8, 2008

STEVEN F. GOLDSTEIN, L.L.P.

By: 
STEVEN F. GOLDSTEIN (2076)
Of Counsel:
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